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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

UNITED STATES OF AMERICA

v.

TERRELL CHARLES FRYAR (01)

NO. 1:23-CR-020-H(01)

FACTUAL RESUME

In support of Terrell Charles Fryar's plea of guilty to the offense in Count One of the Superseding Information, Fryar, the defendant, Mark Alan Hoak, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following.

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count One of the Superseding Information, charging a violation 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), that is, Possession with Intent to Distribute Methamphetamine, the government must prove each of the following elements beyond a reasonable doubt:¹

First. That the defendant knowingly possessed a controlled substance;

Second. That the substance was in fact methamphetamine; and

Third. That the defendant possessed the substance with the intent to distribute it.

To "possess with intent to distribute" simply means to possess with intent to deliver or transfer possession of a controlled substance to another person, with or without any

¹ Fifth Circuit Pattern Jury Instruction 2.95A (5th Cir. 2019).

financial interest in the transaction.

STIPULATED FACTS

1. Terrell Charles Fryar (Fryar), defendant, admits and agrees that on or about September 17, 2022, in the Abilene Division of the Northern District of Texas, and elsewhere, he did knowingly or intentionally possess with intent to distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance. He did so in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and Title 18, United States Code, Section 2.

2. On September 17, 2022, a deputy with the Mitchell County Sheriff's Office (MCSO) was on patrol near Interstate 20 in Mitchell County Texas, which is in the Abilene Division of the Northern District of Texas. The deputy saw a white Mercedes passenger car speeding. The deputy initiated a traffic stop of the vehicle.

3. Fryar was the driver of the vehicle. When the deputy approached the vehicle and made inquiries, the deputy noticed Fryar and his passenger acting nervous in response to questions about drugs. The deputy grew suspicious and requested a narcotics detection canine unit to assist with the traffic stop.

4. An officer and his narcotics detection canine arrived at the scene to assist. The canine performed an open-air sniff around the above-mentioned white Mercedes. The canine gave a positive alert to the odor of narcotics coming from the vehicle. Based on this alert, the MSCO deputy did a probable cause search of the Mercedes. The deputy discovered two clear plastic "gallon-sized" Ziploc bags containing a white crystal substance in the trunk of the vehicle. Also, the deputy discovered a bundle of U.S.

currency in the center console and a lunch cooler containing additional cash in the trunk.

A total of \$3,209.00 was seized from the vehicle.

5. The deputy arrested Fryar. An officer and investigator with the Big Spring Police Department (BSPD) informed Fryar of his *Miranda* rights. Fryar waived his rights and agreed to answer questions. Fryar admitted that the white crystal substance discovered in the two plastic “gallon-sized” Ziploc bags was methamphetamine. Fryar admitted to purchasing the methamphetamine in Fort Worth, Texas, and that he intended to distribute it. Fryar admitted that he typically sells four ounces at a time to his buyers.

6. The suspected methamphetamine seized from Fryar’s vehicle on September 17, 2022, was submitted to the United States Drug Enforcement Administration, South Central Laboratory, where testing confirmed that it was, in fact, methamphetamine, a Schedule II controlled substance. The methamphetamine weighed 1,842 grams with a 99-percent purity level. This quantity of methamphetamine is consistent only with further distribution.

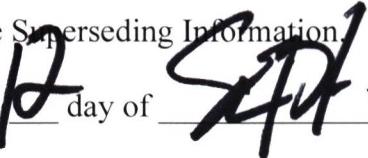
7. Fryar admits that on September 17, 2022, he knowingly and intentionally possessed a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, and that he possessed that methamphetamine with the intent to distribute it.

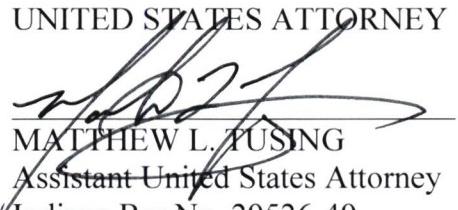
8. The defendant agrees that the defendant committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose

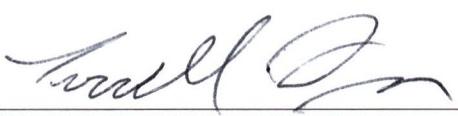
of this statement of facts is to demonstrate that a factual basis exists to support the

defendant's guilty plea to Count One of the Superseding Information

AGREED TO AND STIPULATED on this 12 day of Sept., 2023.


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Defendant


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